IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:05cv223

SHELBY TEAGUE,)
Plaintiff,)
Vs.	ORDER
HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY,)
Defendant.)

THIS MATTER is before the court on defendant's Renewed Motion to Strike Jury Trial (#26). It is well settled that a plaintiff is not entitled to a jury trial in a matter seeking recovery of benefits under ERISA. Biggers v. Wittek Indus., Inc., 4 F.3d 291 (4th Cir. 1993). The motion will be summarily allowed, and counsel for plaintiff, who practices regularly before the Bar of this court in ERISA litigation, is advised that the law on such point has been well settled in this district for the better part of two decades and that a good faith argument cannot now be made that ERISA litigants are or should be entitled to a jury trial. Counsel for plaintiff should conform her pleadings in future cases to applicable law. Fed.R.Civ.P. 11.

ORDER

IT IS, THEREFORE, ORDERED that the defendant's Renewed Motion to Strike Jury Trial (#26) is summarily ALLOWED.

Signed: March 6, 2006

Dennis L. Howell United States Magistrate Judge